

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAUSTEVEION JOHNSON,

Plaintiff,

v.

KARA LeGRAND, *et al.*,

Defendants.

Case No. 3:21-cv-00310-MMD-CSD

ORDER

This action began with a pro se civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff Lausteveion Johnson has applied to proceed *in forma pauperis*. (ECF No. 9). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on May 23, 2022. (ECF No. 10). The screening order imposed a 90-day stay and referred this case to the court's inmate mediation program. (*Id.*) But upon reflection, the Court determined that this action should proceed on the normal litigation track, so it entered a subsequent order excluding this action from the mediation program. (ECF No. 12).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 9) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. If this action is dismissed, the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

3. Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **LAUSTEVEION JOHNSON, #82138** to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee has been paid for this action. The Clerk of the Court will send a copy of this order to the

1 Finance Division of the Clerk's Office and to the attention of **Chief of Inmate Services for the**
2 **Nevada Department of Corrections**, P.O. Box 7011, Carson City, NV 89702.

3 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
4 of Plaintiff's First Amended Complaint (ECF No. 7) on the Office of the Attorney General of the
5 State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This
6 does not indicate acceptance of service.

7 5. Service must be perfected within 90 days of the date of this order under Rule 4(m)
8 of the Federal Rules of Civil Procedure.

9 6. Subject to the findings of the screening order (ECF No. 10), within 21 days of the
10 date of entry of this order, the Attorney General's Office shall file a notice advising the Court and
11 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the
12 defendants for whom it does not accept service, and (c) the names of the defendants for whom it
13 is filing the last-known-address information under seal. As to any of the named defendants for
14 whom the Attorney General's Office cannot accept service, the Office shall file, under seal, but
15 shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it
16 has such information. If the last known address of the defendant(s) is a post office box, the
17 Attorney General's Office shall attempt to obtain and provide the last known physical address(es).

18 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
19 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
20 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
21 has not provided last-known-address information, Plaintiff shall provide the full name and address
22 for the defendant(s).

23 8. If the Attorney General accepts service of process for any named defendant(s), such
24 defendant(s) shall file and serve an answer or other response to the First Amended Complaint (ECF
25 No. 7) within 60 days from the date of this order.

26 9. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by
27 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
28 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-

1 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-
2 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall
3 include with the original document submitted for filing a certificate stating the date that a true and
4 correct copy of the document was mailed to the defendants or counsel for the defendants. If
5 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
6 named in the notice of appearance, at the physical or electronic address stated therein. The Court
7 may disregard any document received by a district judge or magistrate judge which has not been
8 filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk
9 which fails to include a certificate showing proper service when required.

10 10. This case is no longer stayed.

11 DATED: June 17, 2022.

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14 UNITED STATES MAGISTRATE JUDGE
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